

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

new art since the examiner had previously indicated that there were no art-based grounds for rejection. (See May 27, 2003 interview summary in response to second office action). The applicant trusts that the examiner has now completed her search, so that when the applicant distinguishes the Patret reference through the present response, the claims will be allowed.

Proposed Amendment of Title

The examiner requests that the title be made more descriptive, such as "Mouse Pad Unit Comprising a Data Storage Read/Write Device." The applicant notes that the examiner previously requested that the title be changed to "Mouse Pad Comprising a Card Read/Write Device," and the applicant already complied with this request. (See First Office Action, mailed 6/20/2002, and Response to Office Action, filed October 17, 2002). Since the current title of the application is based on the examiner's earlier suggestion, the applicant presumes that it is acceptable and no further amendment is made with this office action.

Traversal of Rejection

The applicant respectfully traverses the current rejection for three reasons.

First, the examiner has failed to make a *prima facie* case. Each of the claims of the present application requires a "mouse pad," yet this element is missing from the Patret reference. Patret never suggests or states that its "housing" is a mouse pad or could be used as a mouse pad. Nonetheless, the examiner treats the housing as a mouse pad

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

because it is planar. The examiner has defined “mouse pad” as *any* planar surface.

But the examiner has cited no authority for this definition, and the applicant submits that it is a preposterous, since it would be mean that the CPU housing of *any* standard computer would be a “mouse pad,” since a mouse could theoretically travel along the housing of any computer. Thus, under the examiner’s definition, a standard desktop PC would have at least *two* mouse pads: its conventional mouse pad, and its CPU housing, which is typically planar on at least one surface. Indeed, under the examiner’s definition, “mouse pads” would be everywhere; the flat top of an external disk drive would be a “mouse pad,” the back of a keyboard would be a “mouse pad,” and even the monitor’s surface would be a “mouse pad,” since it is planar and smooth. The user’s forehead could even be considered a “mouse pad” so long as it was sufficiently flat!

This is obviously ludicrous, but it shows that the examiner’s proposed definition of mouse pad is too broad. Without any reference or other support for her claim that Patret’s housing is a “mouse pad,” the examiner has failed to make a *prima facie* case.

Second, the examiner has provided no explanation for the rejection of claims 15, 18, and 20. (See MPEP 707(i), “Each Claim to Be Mentioned in Each Office Action”).

Third, the examiner has not provided a translation of the Patret reference, which was apparently published in French. Instead, the examiner treats U.S. Patent Number

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

5,661,633 to Patret as a translation, but this document is not itself prior art, and the examiner has provided no certification that the two documents are equivalent.

Compounding the problem, the examiner did not even provide the applicant with a copy of Patret (PCT WO 95/24008).

Conditional Amendments/Interview Summary

In an effort to expedite examination, the applicant submits conditionally amended claims, and these amended claims define mouse pad in a conventional way so as to distinguish Patret. The examiner indicated in a telephone conference on November 20, 2003 that the claims would be allowable if so amended. As explained below, the applicant only desires entry of these amendments if they are both necessary and sufficient for allowance.

Amendments

The applicant *conditionally* amends the claims as follows below. These amendments should only be entered if they are both necessary and sufficient for allowance of the claims. Thus, these amendments should not be entered if the applicant's remarks above put the claims in condition for the amendment. Nor should they be entered if the examiner would still reject the claims after amendment.

1. (currently amended) A unit which comprises a card read / write device, characterized in that the unit is formed by a mouse pad which is adapted to be coupled connected to a computer so that the coupling connection creates a link between the computer and the card read / write device. wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
2. (original) A unit according to claim 1, characterized in that the card read / write device is formed by a SmartCard unit.
3. (currently amended) A mouse pad unit comprising a mouse pad and a card read / write device integrated with said mouse pad. wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

4. (original) The mouse pad unit according to claim 3, wherein said card read/ write device comprises a device for reading/ writing smart cards.

5. (original) The mouse pad unit according to claim 3, wherein said card read/ write device comprises a device for reading/ writing cards containing integrated circuits.

6. (original) The mouse pad unit according to claim 3, wherein said card read/ write device comprises a device for reading/ writing cards containing stored data.

7. (original) The mouse pad unit according to claim 6, wherein said data is magnetically stored.

8. (currently amended) A mouse pad unit comprising a mouse pad and a card read device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.

9. (original) The mouse pad unit according to claim 8, wherein said card read device comprises a device for reading smart cards.

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

10. (original) The mouse pad unit according to claim 9, wherein said card read device comprises a device for reading cards containing integrated circuits.

11. (original) The mouse pad unit according to claim 8, wherein said card read device comprises a device for reading cards containing stored data.

12. (original) The mouse pad unit according to claim 11, wherein said data is magnetically stored.

13. (currently amended) A mouse pad unit comprising a mouse pad and a data storage read/write device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.

14. (original) The mouse pad unit according to claim 13, wherein said data storage read/write device comprises a CD-ROM read/write device.

15. (original) The mouse pad unit according to claim 13, wherein said data storage read/write device comprises a disk drive read/write device.

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

16. (original) The mouse pad unit according to claim 13, wherein said data storage read/ write device comprises a removable hard drive read/ write device.

17. (original) The mouse pad unit according to claim 13, wherein said data storage read/ write device comprises a DVD read/ write device.

18. (currently amended) A mouse pad unit comprising a mouse pad and a data storage read device integrated with said mouse pad.
wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.

19. (original) The mouse pad unit according to claim 18, wherein said data storage read device comprises a CD-ROM read device.

20. (original) The mouse pad unit according to claim 18, wherein said data storage read device comprises a disk drive read device.

21. (original) The mouse pad unit according to claim 18, wherein said data storage read device comprises a removable hard

drive read device.

22. (original) The mouse pad unit according to claim 18, wherein said data storage read device comprises a DVD read device.

23. (original) A mouse pad unit comprising a mouse pad and a peripheral device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.

24. (original) The unit according to claim 3, 8, 13, 18, or 23, additionally comprising means for communicating data between said unit and a computing device.

25. (original) The unit according to claim 24, additionally comprising text placed on an exterior surface of said mouse pad.

26. (original) The unit according to claim 24, additionally comprising a graphical image placed on an exterior surface of said mouse pad.

27. (original) The unit according to claim 24, wherein said means for communicating data comprises a cable.

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

28. (original) The unit according to claim 24, wherein said means for communicating data comprises a wireless communication device.

29. (original) The unit according to claims 1, 3, 8, 13, 18, or 23, additionally comprising text placed on an exterior surface of said mouse pad.

30. (original) The unit according to claims 1, 3, 8, 13, 18, or 23, additionally comprising a graphical image placed on an exterior surface of said mouse pad.

31. (currently amended) A method for uploading data to a computer, comprising providing a mouse pad unit with a data storage read device integrated with a mouse pad, and inserting a data storage media into said mouse pad unit, and uploading data from said media onto a computer coupled connected to said mouse pad unit. wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.

32. (currently amended) An advertising system, comprising a mouse pad having at least one exterior surface, a data storage device

Response to Office Action
Ser. No.: 09/674,714
December 16, 2003

integrated with said mouse pad, and advertising placed on said exterior surface, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.

Conclusion

For the reasons stated above, the present application has not been anticipated or rendered obvious by the cited prior art, and is ready for allowance.

Dated: December 16, 2003

By: Daniel P. Maguire
Daniel P. Maguire, Reg. 41,506
Tel: (530) 750-3661